REMARKS

The Office Action dated April 15, 2009 has been received and reviewed by the Applicant. Claims 1-57 are pending in the application. Claims 4, 8, 24-34, 37 and 44-52 were previously withdrawn from consideration. Claims 1-3, 5-7, 9-23, 35-36, 38-43 and 53-57 are rejected. By this amendment, claims 1, 2, 35, 36, 41, 43, 53 and 54 are herewith amended. Claims presently active are claims 1-3, 5-7, 9-23, 35-36, 38-43 and 53-57. Favorable reconsideration of the application in view of the following remarks is respectfully requested

Claim Rejections – 35 USC 112

The Examiner rejected claims 1-3, 5-7, 9-23, 35-36, 38-43 and 53-57 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. In particular, the Examiner indicates that there is no disclosure of "customization information describing a capability of a user to fuse stereoscopic images" in the original specification. Applicants disagree with this conclusion and would refer the Examiner to page 7, lines 6-22 which discusses determining the stereo fusing capability for a user. However, this point is moot in view of the fact that claim 1 has been amended to more specifically require "obtaining customization information including a stereoscopic image fusional range for the user or cluster of users." The "fusional range" terminology is described on page 2, line 22- page 3, line 15 of the specification. Additionally, a specific method for obtaining customization information for a user that includes a fusional range is described on page 11, line 7-22. Alternate methods for obtaining the fusional range for a user are also described in the paragraphs starting on page 11, line 7.

Claims 2-3, 5-7 and 9-23 all depend on claim 1, and use language consistent with amended claim 1.

Similarly, independent claim 35 has been amended using language analogous to that of amended claim 1. Claims 36, 38-42 all depend on claim 35, and have been amended where appropriate to incorporate the amended claim language.

Claim 43 is an original claim, and did not use the same language that the Examiner objected to with respect to claim 1. Applicants will assume that

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the Examiner is objecting to the language of step e) which is most similar to the indicated wording. This step has been amended to more specifically require a "means for obtaining a comfort level related to the user's fusing capability." This language is clearly supported in the specification on page 16, lines 14-29.

Independent claims 53 and 54 have been amended with language similar to that of amended claim 1. Claims 55-57 all depend on claim 54 and are consistent with the language of amended claim 54.

The Examiner rejected claims 1-3, 5-7, 9-23, 35-36, 38-43 and 53-57 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the Examiner states that "describing a capability of a user to fuse stereoscopic images" is unclear. As discussed above, this language has been amended, and Applicants believe that the amended claim language is now clear and definite and should be in condition for allowance.

Claim Rejections – 35 USC 103

The Examiner rejected claims 1-6, 9-11, 14, 16-20, 35-41 and 53-57 under 35 U.S.C. § 103(a) as being unpatentable over Zhang et al. (US 2003/0197779) in view of Dhond et al. ("Stereo Matching in the Presence of Narrow Occluding Objects Using Dynamic Disparity Search"), and further in view of Nefian et al. (US 2003/0113018).

Zhang et al. disclose a video-teleconferencing system with eye-gaze correction. They teach using a stereo image capture system to generate a virtual image of an individual participating in a video conference. Zhang et al. do not teach the feature of obtaining customization information including a stereoscopic image fusional range for a user as required in each of the relevant independent claims. The Examiner suggests that the step of obtaining such customization information is taught in Fig. 3-307 and paragraph [0034] of Zhang et al. However, Applicants do not find this feature upon a close reading of the indicated sections. Fig. 3-307 represents a database for storing three-dimensional information associated with the captured video images. There is no suggestion that this information relates to the stereoscopic image fusional range for a user. In fact, this would not even make sense since the information in the database relates to the captured video images not to a user (i.e., an individual who will be viewing

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stereo images). Likewise, paragraph [0034] describes the operation of a head-pose tracking module. Nowhere in this paragraph is there any mention of a stereoscopic image fusional range for a user. In fact, there is no discussion of characterizing a stereoscopic image fusional range for a user and using this information for rendering or re-rendering stereo images anywhere in Zhang et al.

Dhond et al. disclose a method for creating an image disparity map for a stereo pair of images. The Examiner suggests that Dhond et al. teach determining an aim disparity range for a user (chapter IV-A, Fig. 3, page 721). However, a close reading of Dhond et al. shows that the disparity range referred to in the indicated sections refers to the disparity range *of an image* not the disparity range *for a user*. Regardless, Dhond et al. do not teach characterizing a stereoscopic image fusional range for a user, and using this information for rendering or re-rendering stereo images as required in the relevant independent claims.

Nefian et al. disclose a method for dynamic gesture recognition. Nefian et al. do teach obtaining a scene disparity map. The Examiner suggests that Nefian et al. teach rendering or re-rendering the stereo images by applying a customized disparity map, referencing Fig. 2-270 and paragraph [0024]. A close reading of the indicated text reveals that Nefian et al. are extracting information from a captured stereo image and are not rendering or re-rendering stereo images. Regardless, Nefian et al. do not teach characterizing a stereoscopic image fusional range for a user and using this information for rendering or re-rendering stereo images as required in the relevant independent claims.

None of the cited references, taken singly or in combination, teach the features found in amended claim 1 of obtaining customization information including a stereoscopic image fusional range for a user and rendering or re-rendering stereo images responsive to the stereoscopic image fusional range. It is therefore believed that claim 1 represents new and non-obvious subject matter relative to the cited prior art, and should be in condition for allowance.

Claims 2-6, 9-11, 14 and 16-20 all depend on claim 1 and should be allowed along with it. Independent claims 35, 53 and 54 all include the feature of obtaining and using a stereoscopic image fusional range for a user and should be allowed for the reasons discussed above with respect to claim 1. Claims 36-41

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depend from claim 25, and claims 55-57 depend from claim 54 and should be allowed along with their corresponding base claims.

The Examiner rejected claims 7, 12-13, 15, 21-23 and 42 under 35 U.S.C. § 103(a) as being unpatentable over Zhang in view of Dhond et al., and further in view of Nefian et al., and further in view of Woods et al. ("Image Distortions in Stereoscopic Video Systems").

Zhang et al., Dhond et al. and Nefian et al. have all been discussed above. Woods et al. teach a method for characterizing distortions in a stereoscopic video system. Woods et al. do teach the use of a convergence point as noted by the Examiner. The Examiner suggests that the rendering intent in Woods et al. is dependent on the skill of the user and the type of task with reference to chapter IV-1.2, page 2. Applicants do not find any references to the skill of a user or type of task in the indicated section. Regardless, Woods et al. do not teach characterizing a stereoscopic image fusional range for a user and using this information for rendering or re-rendering stereo images as required by all of the relevant claims.
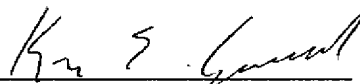
None of the cited references, taken singly or in combination, teach the features of obtaining customization information including a stereoscopic image fusional range for a user and rendering or re-rendering stereo images responsive to the stereoscopic image fusional range. It is therefore believed that claims 7, 12-13, 15, 21-23, which depend from claim 1, and claim 42, which depends from claim 35, represent new and non-obvious subject matter relative to the cited prior art, and should be in condition for allowance.

In view of the foregoing remarks and amendment, it is respectfully submitted that the claims in their present form are in condition for allowance and such action is respectfully requested.

Should the Examiner consider that additional amendments are necessary to place the application in condition for allowance, the favor is requested of a telephone call to the undersigned agent for the purpose of discussing such amendments.

The Commissioner is hereby authorized to charge any fees in connection with this communication to Deposit Account No. 05-0225.

Respectfully submitted,

Attorney for Applicant(s)
Registration No. 64,579

Kevin E. Spaulding/phw
Rochester, NY 14650
Telephone: 585-588-3706
Facsimile: 585-477-4646

If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.

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